

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

IN RE:	:	
ROBERT M. BROSS, JR	:	BK. No. 17-16952-MDC
PAMELA M. BROSS	:	
Debtors	:	Chapter No. 13
	:	
FEDERAL NATIONAL MORTGAGE	:	
ASSOCIATION ("FANNIE MAE")	:	
Movant	:	
v.	:	11 U.S.C. §362
ROBERT M. BROSS, JR	:	
PAMELA M. BROSS	:	
Respondents	:	

**MOTION OF FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")
FOR RELIEF FROM AUTOMATIC STAY UNDER §362 PURSUANT TO BANKRUPTCY
PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtors ROBERT M. BROSS, JR AND PAMELA M. BROSS.

1. Movant is **FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")**.
2. Debtor, PAMELA M. BROSS is the owner of the premises located at **3890 ROUND MEADOW LANE, HATBORO, PA 19040**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtors' failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtors' failure to make the monthly payment required hereunder.
6. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.
7. As of February 5, 2018, Debtors have failed to tender post-petition mortgage

payments for the months of November 2017 through February 2018. The monthly payment amount for the months of November 2017 through February 2018 is \$1,464.89, for a total amount due of \$5,859.56. The next payment is due on or before March 1, 2018 in the amount of \$1,464.89. Under the terms of the Note and Mortgage, Debtors have a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

8. According to Debtors' Chapter 13 plan the property is being **SURRENDERED**.

9. Movant, **FEDERAL NATIONAL MORTGAGE ASSOCIATION ("FANNIE MAE")**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

10. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

11. Movant specifically requests permission from the Honorable Court to communicate with Debtors and Debtors' counsel to the extent necessary to comply with applicable nonbankruptcy law.

12. Movant requests that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **3890 ROUND MEADOW LANE, HATBORO, PA 19040** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtors and Debtors' counsel to the extent necessary to comply with applicable nonbankruptcy law; and

- c. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and
- d. Granting any other relief that this Court deems equitable and just.

/s/ Jerome Blank, Esquire
Jerome Blank, Esq., Id. No.49736
Phelan Hallinan Diamond & Jones, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
Phone Number: 215-563-7000 Ext 31625
Fax Number: 215-568-7616
Email: jerome.blank@phelanhallinan.com

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